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4 ELECTRONIC FRONTIER
5 FOUNDATION,
6 Plaintiff,
7 v.
8 UNITED STATES DEPARTMENT OF
9 JUSTICE,
10 Defendant.

11 Case No.16-cv-02041-HSG
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14 **ORDER DENYING CROSS-MOTIONS
15 FOR SUMMARY JUDGMENT
16 WITHOUT PREJUDICE**

17 Re: Dkt. Nos. 29, 32
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20 On September 22, 2016, Defendant U.S. Department of Justice filed a motion for partial
21 summary judgment. Dkt. No. 29. On October 13, 2016, Plaintiff Electronic Frontier Foundation
22 filed a cross-motion for partial summary judgment. Dkt. No. 32. Before briefing was completed,
23 the parties reached at least a partial agreement regarding Plaintiff's Freedom of Information Act
24 ("FOIA") request. At their request, the Court stayed further briefing and vacated the hearing on
25 the motions. *See* Dkt. No. 40.

26 Since that time, the parties have worked cooperatively to process Plaintiff's FOIA request.
27 In their most recent status report, the parties indicated that the final batch of documents would be
28 produced by December 14, 2017. *See* Dkt. No. 53 at 2. Because the parties acknowledge that the
scope of their ongoing dispute will be unknown until that time, the Court finds that the parties'
pending motions for summary judgment are moot. The Court accordingly **DENIES** the motions
without any prejudice to the parties filing revised cross-motions targeted only to the remaining
issues actually in dispute, if that ends up being necessary.

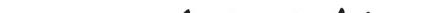
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The Court further **DIRECTS** the parties to submit a joint status report by January 8, 2018, that outlines any remaining issues in the case and provides a stipulated briefing schedule and proposed order, if further motions practice is necessary.

IT IS SO ORDERED.

Dated: 9/29/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge

HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California